

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

BRYAN S. VANCAMP,	)	CASE NO. 5:07 CV 1667
	)	
Petitioner,	)	JUDGE PETER C. ECONOMUS
	)	
v.	)	
	)	<u>MEMORANDUM OF OPINION</u>
STARK COUNTY,	)	<u>AND ORDER</u>
	)	
Respondent.	)	

On June 6, 2007, petitioner pro se Bryan S. VanCamp filed the above-captioned petition for writ of habeas corpus under 28 U.S.C. § 2254. VanCamp is confined in an Ohio penal institution, having been convicted of felonious assault, pursuant to a guilty plea, in February 2003. For the reasons stated below, the petition is denied and this action dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases.

A federal court may entertain a habeas petition filed by a person in state custody only on the ground that he is in custody in violation of the Constitution, laws, or treaties of the United States. 28 U.S.C. § 2254(a). In addition, a petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254(b).

It appears evident on the face of the petition that petitioner has not yet sought review of his conviction in the Ohio

Supreme Court.<sup>1</sup> Such review may be available, see Ohio Sup.Ct.R.P. II, sec. 2(A)(4)(a), and must be sought in order to exhaust state court remedies. Rust v. Zent, 17 F.3d 155, 160 (6th Cir. 1994).

Accordingly, the petition is denied and this action is dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. Fed. R.App.P. 22(b); 28 U.S.C. § 2253.

IT IS SO ORDERED.

S/Peter C. Economus - 8/1/07  
PETER C. ECONOMUS  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The Ohio Court of Appeals granted VanCamp a delayed appeal, then affirmed his conviction. No appeal was taken from that court's decision. State v. VanCamp, No. 2006CA000017, 2007 WL 338465 (Stark Cty. App. Feb. 5, 2007).